

GILBERT EISENBERG, ESQ. (SBN: 28900)
LAW OFFICE OF GILBERT EISENBERG
400 Montgomery Street, Second Floor
San Francisco, CA 94104
(415) 433-3476 BUSINESS
(415) 296-8734 FACSIMILE
g.eisenberg@sbcglobal.net E-mail

Attorney for JUAN MIGUEL ELLINGBERG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA)	CASE NO. : CR-12-00495 SBA
)	
Plaintiff,)	
vs.)	STIPULATED REQUEST TO RESET
)	SENTENCING FROM MARCH 6,
JUAN MIGUEL ELLINGBERG,)	2013 TO MAY 8, 2013 AND
)	
Defendant.)	Date: MARCH 6, 201
)	Time: 10: a.m.
)	Court Hon. Sandra B.
)	Armstrong

The above-captioned matter is set for change of plea on February 26, 2013 before Judge Ryu. Following that date this matter is set for sentencing before this court on March 6, 2013 at 10 AM. The parties request that the sentencing date be vacated and reset for May 8, 2013 at 10 AM.

The reason for this request is to allow Jeremy Coles, Ph.D. time to complete his competency and general psychological examination of defendant and then to score his test results and prepare a report to send to counsel who will then forward the report to the

1 probation officer who is preparing the presentence report in this matter. Dr. Coles had a
2 scheduled appointment to interview and test defendant on January 16, 2013 at the Glenn
3 Dyer North County Jail but was unable to do so because defendant had been removed to the
4 Santa Rita Jail for health reasons. Dr. Coles now has an appointment scheduled to do his
5 testing on February 27, 2013.
6

7 The parties further stipulate and agree that the time from the date of this Court's order
8 to May 8, 2013 should be excluded in accordance with the provisions of the Speedy Trial
9 Act, 18 U.S.C. § 3161 (h)(7)A), on the basis that the ends of justice are served by taking such
10 action which outweigh the best interest of the public and the defendant in a speedy trial and
11 also under subsection (b)(iv) for continuity of counsel and effective preparation of counsel,
12 taking into account the exercise of due diligence.
13

14 Dated: January 31, 2013
15
16
17
18
19

20 _____/JCM/_____
21 JAMES C. MANN
22 Assistant United States Attorney

_____/GE_____
Gilbert Eisenberg
Attorney for Juan Miguel
Ellingberg

23 //

24 //

25 //

26
27 ORDER
28

GOOD CAUSE APPEARING

IT IS ORDERED that the date set for sentencing in this matter be reset from March 6, 2013 to May 8, 2013 at 10 AM and further that the time from the date of this Order to May 8, 2013 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A), on the basis that the ends of justice are served by taking such action which outweigh the best interest of the public and the defendant in a speedy trial and also under subsection (b)(iv) for continuity of counsel and effective preparation o counsel, taking into account the exercise of due diligence.

Dated: 2/11/13


SAUNDRA BROWN AMRSTRONG

United States District Judge